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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/381,061	12/06/1999	MASAYUKI TODA	FUK-59	3463 22
22855	7590	10/03/2003	EXAMINER	
RANDALL J. KNUTH P.C. 3510-A STELLHORN ROAD FORT WAYNE, IN 46815-4631			BUEKER, RICHARD R	
			ART UNIT	PAPER NUMBER
			1763	

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/381,061

Applicant(s)

TODA ET AL.

Examiner

Richard Bueker

Art Unit

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-9 is/are rejected.
- 7) ☒ Claim(s) 3 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Claims 1, 4-8 and 10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hiura for the reasons stated in the previous office action. Claims 1, 4-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiura in view of Kisa for the reasons stated in the previous office action.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiura in view of Kisa, and taken in further view of Bok (4,622,918), Granneman (WO 98/01890), Aschner (6,005,226) or Maruyama (6,001,175) for the reasons stated in the previous office action.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granneman in view of Hiura, Kisa and Foster for the reasons stated in the previous office action.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Granneman in view of Hiura, Kisa and Foster, and in further view of Nishitani and White for the reasons stated in the previous office action.

Claims 7 and 8 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Aschner or Maruyama for the reasons stated in the previous office action. It is noted also that claims 7-9 do not require the presence of centering pores.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Aschner or Maruyama, in further view of Kisa for the reasons stated in the previous office action.

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

New claim 10 would be considered allowable if amended to recite that all of the fine suppression pores are located radially farther away from the center of the floating unit surface than the centering pores and the rotational pores. This will clarify the relationship between the suppression pores and the centering and rotation pores that applicants intend to claim. As presently written claim 10 can be interpreted as meaning that the suppression pores are not within the boundary or domain of the other pore groups.

Applicants' arguments regarding the use of "inclined" and inclination" is persuasive with respect to definiteness of the claim language.

Applicants have argued that the added claim language of "the relative positioning and directionality of a particular pore type being unique to that particular pore type with respect to others of said pore types" is not disclosed or suggested by Hiura. As noted in the previous office action, however, Hiura discloses a substrate body floating apparatus having floating pores, centering pores and rotating pores. Also, applicants' specification (see the last sentence of page 6, for example) indicates that vibration is suppressed by rotation of the substrate, and therefore "a plurality of fine rotational pores configured for rotating the substrate body" as recited in claim 1 can also be considered to inherently be "a plurality of auxiliary fine suppression pores configured for suppressing vibration of the substrate body when the substrate body is rotated at

high speed” as also recited in claim 1. Furthermore, the rotation pores of Hiura can also be arbitrarily divided into two groups, with one group referred to as rotation pores, and the other referred to as vibration suppression pores. Therefore, Hiura can be considered to have four sets of pores that meet the functional requirements of the claims. Also, each of these four sets of pores is unique from the other sets, in terms of positioning and directionality. Also, if for argument’s sake, Hiura’s rotation pores were not arbitrarily dividable into two subsets, it is noted that Kisa illustrates plural sets of rotational pores, with each set arranged in a circle, with differing circular sets having different diameters. It would have been obvious to one skilled in the art to provide plural circular sets of rotation pores in the apparatus of Hiura, because Kisa teaches that plural circles of rotation pores can be successfully be used to rotate a wafer. One skilled in the art would have expected the additional rotation pores to have an additive and obvious effect. It is noted again that applicants’ specification indicates that rotation inherently suppresses vibration.

Applicants have argued that Kisa does not teach two sets of pores that are unique from each other. It is noted, however, that the inner and outer circles of pores illustrated in Fig. 5 of Kisa are each unique in terms of positioning and directionality.

Applicants’ other arguments have been considered but are not persuasive.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

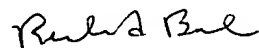
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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Bueker whose telephone number is (703) 308-1895. The examiner can normally be reached on 9 AM - 5:30 PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Mills can be reached on (703) 308-1633. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Richard Bueker
Primary Examiner
Art Unit 1763

October 1, 2003